

Preliminary Amendment
SN 09/930,398
November 7, 2005
Page 4

Comments

Claims 1-14 are pending in this application. Claims 1, 6, and 11 have been amended.

The examiner rejected the claims under 35 U.S.C. § 102 as anticipated by US Patent 5,446,953 to LeFeber. This rejection is traversed.

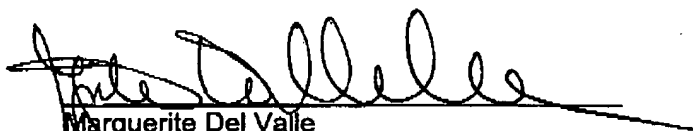
Claim 1 as amended recites that one portion of the fabric band is attached to no more than a second portion of the fabric band. Support for this recitation is found in the specification at p. 4, lines 18-20 and in the drawings at Fig. 4, elements 13, 16a, 16b. Claims 6 and 11 are similarly amended to recite only two portions of the band are joined at each point of attachment.

The LeFeber patent does not disclose this limitation and, in fact, teaches away from joining only two layers of fabric. The point of invention of the LeFeber patent is to join three layers of elastic material and does not disclose the present invention of joining only two layers. See, LeFeber '953 patent at col. 1/43-44, 1/50-54, 2/40-42, 2/49-50, 4/44-45, 5/54-56. Accordingly, LeFeber does not disclose the subject matter of the claims of the present invention. Withdrawal of the rejection is therefore respectfully requested.

Conclusion

The applicants submit that the claims as amended present patentable subject matter. Allowance is respectfully requested.

November 7, 2005



Marguerite Del Valle
Reg. No. 34,319
POWER DEL VALLE LLP
233 West 72 Street
New York, New York 10023
212-877-0100
Cust. No. 37004